

No. 293/2-L.—Whereas as the declaration under section 6 of the Land Acquisition Act, 1894 in respect of the land specified below has been made and published in *Haryana Government Gazette*,—*vide* Department No. 285/2-L, dated 5th January, 1978.

Now, therefore, in exercise of the powers under section 7 of the Land Acquisition Act, 1894, the Governor of Haryana hereby directs the Land Acquisition Collector, Public Works Department, Irrigation Branch, Rohtak, to take order for the acquisition of the said land.

SPECIFICATIONS

| District | Tehsil | Village | Area in Acres | Habbast No. | Boundary/Khasra No. |
|--|--------------|---------|---------------|-------------|---|
| A strip of land measuring 22.098 kilometres (72,500 feet) in length and varying in widths passing through full/part killa numbers as below:— | | | | | |
| Mahendragarh | Mahendragarh | Dhanuda | 6.04 | 12 | 159 |
| | | | | | 3, 4, 8, 7, 14, 6, 15, 16 158 |
| | | | | | 11, 20/1, 20/2, 19, 22, 18, 23, 12, 24 179 |
| | | | | | 3, 4, 5, 6. 180 |
| | | | | | 1, 10, 9, 12, 11, 13, 18, 19, 17, 24, 25, 16 187 |
| | | | | | 5 186 |
| | | | | | 1, 10, 9, 2, 8, 12, 13/1, 13/2, 14, 17, 186 |
| | | | | | 15, 16/1, 16/2, 25 185 |
| | | | | | 20, 21 181 |
| | | | | | 21 |
| Mahendragarh | Mahendragarh | Unhani | 12.74 | 13 | 7 |
| | | | | | 21, 22 10 |
| | | | | | 1, 2, 3, 9, 8, 7, 14, 13, 15, 16, 17, 25 11 |
| | | | | | 20, 21, 22 19 |
| | | | | | 1, 2, 3, 8, 9, 7/1, 7/2, 13, 14, 15, 16/1, 19 |
| | | | | | 16/2, 17, 25/1, 25/2 18 |
| | | | | | 20, 21, 22 31 |
| | | | | | 1, 2/1, 2/2, 3, 9, 8, 7, 13, 14, 15, 16, 25, 17 |

| District | Tehsil | Village | Area in Acres | Habdist No. | Boundary/Khasra No. |
|--------------|--------------|------------------|---------------|-------------|---|
| Mahendragarh | Mahendragarh | Unhani— concl | | 32 | |
| | | | | 20, 21, 22 | , 39 |
| | | | | | 1, 2, 8, 9, 7, 13, 14, 16, 80, 81, 82, 83, 241, 242, 38 |
| | | | | 53 | 11, 20/1, 20/2, 19, 22, 18, 23/1, 23/2, 24, 25/2 |
| | | | | 54 | , 3, 4, 5 |
| | | | | 37 | 1, 2, 3, 4, 5 |
| | | | | 36 | 21/2, 21/3, 22, 23, 24, 25 |
| | | | | 55 | , 21, 22, 23, 24/1, 24/2 |
| | | | | | 1, 2/1, 2/2, 3, 4 |
| Mahendragarh | Mahendragarh | Kanina | 16.56 | 14 | 200 |
| | | | | 24/2, 25/2 | , 199 |
| | | | | | 21/1, 21/2, 22/1, 22/2, 23/1, 23/2, 24, 199 |
| | | | | 202 | , 25/1, 25/2 |
| | | | | | 1/1, 1/2, 2, 3/1, 3/2, 4/1, 4/2, 5/1, 5/2 198 |
| | | | | 203 | , 21/1, 21/2, 22/1, 22/2, 23/3, 24/1, 24/2 |
| | | | | 204 | 206 |
| | | | | | 1, 2, 3/1, 3/2, 4, 5 565, 637, 566, 562, 625/1, 625, 623, 622, 559, 611, 612, 614, 621/1, 621, 613, 615, 616, 609, 681, 691/1, 287, 605, |
| | | | | 207 | 6, 15 |
| | | | | | , 10, 11, 9/1, 9/2, 8/1, 8/2, 8/3, 8/4, 7/5, 207 |
| | | | | 208 | 7/4, 7/3, 7/2, 7/1, 4/5, 4/3, 4/2, 4/1, 3/4, 5, 207 |
| | | | | | , 6, 12 |
| | | | | 208 | 1/1, 1/2, 1/3, 1/4, 1/5, 1/6, 2, 3, 4/1, 208 |
| | | | | | , 4/2, 5 |

| District | Tehsil | Village | Area in Acres | Habbast No. | Boundary/Khasra No. |
|--------------|--------------|--------------------------|------------------|----------------|--|
| Mahendragarh | Mahendragarh | Kanina— <i>concld</i> | | | 193 |
| | | | | | 23, 24/1, 24/2, 25/1, 25/2, 22 192 |
| | | | | | 21/1, 21/2, 22/1, 22/2, 22/3, 22/4, 23/2, 192 |
| | | | | | 23/1, 24/1, 24/2, 25/1, 25/2 209 |
| | | | | | 1, 2, 3, 4, 5/1, 5/2 191 |
| | | | | | 21/1, 21/2, 22/2, 23, 24/1, 24/2, 25/2, 25/1, 210 |
| | | | | | 1, 2/1, 2/2, 3/1, 3/2, 3/3, 4/1, 4/2, 5 190 |
| | | | | | 21, 22, 23, 24, 25 211 |
| | | | | | 1/1, 1/2, 2/1, 2/2, 4/1, 4/2, 5, 3/1, 3/2 189 212 |
| | | | | | 21, 22, 23, 1, 2, 3 |
| Mahendragarh | Mahendragarh | Bharap | 4.19 | 17 | 9 1 |
| | | | | | 3, 4, 5 24, 25 |
| | | | | | 21, 22, 23, 24, 25 8 |
| | | | | | 1, 2, 3, 4/1, 4/2, 5 7 |
| | | | | | 1, 2, 3/1, 3/2, 4, 5 3 |
| | | | | | 21, 22/1, 22/2, 23, 24, 25 |
| Mahendragarh | Mahendragarh | Katira | 14.24 | 16 | 59 78 |
| | | | | | 25 5 60 |
| | | | | | 21, 22/1, 22/2, 23, 24, 25 61 |
| | | | | | 21, 22, 23, 24/1, 24/2, 25 62 |
| | | | | | 21/1, 21/2, 22, 23, 24, 25 63 |
| | | | | | 21, 22, 23, 24, 25 64 |
| | | | | | 21/1, 21/2, 22, |

| District | Tehsil | Village | Area in Acres | Hadbast No. | Boundary/Khasra No. |
|--------------|--------------|------------------------|------------------|---|---------------------------|
| Mahendragarh | Mahendragarh | Katira— concl'd | | 64 | |
| | | | | 23/1, 23/2, 24, 25 | |
| | | | | 65 | |
| | | | | 21, 22, 23/1, 23/2, 24, 25, 16/1, 17, 18/1, | |
| | | | | 65 | |
| | | | | 18/2, 19 | |
| | | | | 66 | |
| | | | | 20, 19, 18/2, 17, 16, 21/1, 21/2, 22, 23, | |
| | | | | 66 | |
| | | | | 24, 25 | |
| | | | | 67 | |
| | | | | 20, 19, 18, 16, 17, 14/2, 15/1, 15/2, 21, 22, | |
| | | | | 67 | |
| | | | | 77 | |
| | | | | 13/2 | 1, 2, 3/1, 3/2, 4, 5 |
| | | | | 76 | |
| | | | | 1, 2, 3/1, 4, 5 | |
| | | | | 75 | |
| | | | | 1/1, 1/2, 2, 3, 4, 5 | |
| Mahendragarh | Rewari | Gothra Tappa Dahina | 21.30 | 11 | 32 |
| | | | | 16, 25 | 11, 12, 13, 14, 15, 8, 7, |
| | | | | 33 | |
| | | | | 6, 20, 19, 18, 9 | |
| | | | | 34 | |
| | | | | 10, 9, 8, 7, 6, 3, 4, 5, 11, 12, 13, 14 | |
| | | | | 35 | |
| | | | | 1, 2, 3/1, 3/2, 4, 5, 10, 9, 8, 7, 6/1, 6/2 | |
| | | | | 36 | |
| | | | | 1, 2, 3/1, 3/2, 4/1, 4/2, 5, 10, 9, 8, 7, 6 | |
| | | | | 37 | |
| | | | | 1, 2, 3/1, 3/2, 4, 5, 10, 9, 8, 7, 6/1, 6/2 | |
| | | | | 38 | |
| | | | | 1, 2, 3, 4, 5, 10, 9, 8/1, 8/2, 7/1, 7/2, 6, | |
| | | | | 38 | |
| | | | | 11/1, 11/2, 12/1, 12/2, 13, 14, 15 | |
| | | | | 39 | |
| | | | | 10, 9/2, 9/1, 8, 7, 15, 14, 13, 12, 11/1, 10 | |
| | | | | 90, 91, 89, 416, 86, 26, | |
| | | | | 40 | |
| | | | | 10/1, 10/2, 11, 9, 12/1, 8, 13, 7, 14, 15, | |
| | | | | 40 | |
| | | | | 16/1, 16/2, 17, 1 | |
| | | | | 41 | |
| | | | | 23/1, 23/2, 24, 25, 260, 259 | |

| District | Tehsil | Village | Area in acree | Hadbast number | Boundary/Khasra number |
|--------------|--------|---|---------------|--|--|
| Mahendragarh | Rewari | Gothra Tappa Dahina— <i>consld</i> | | 42 21, 22/1, 22/2, 45 | 44 21, 11, 12, 19, 20 |
| | | | | 1, 2, 3, 6, 7/1, 7/2, 14, 15, 16/1, 16/2, 45 | , |
| | | | | 13/1, 9/1, 9/2, 10/1, 10/2 46 | , |
| | | | | 4, 5, 6 | |
| Mahendragarh | Rewari | Kanwali | 15.09 | 10 4, 5 9 | 25 19, 18, 17, 25, 24, 23, 22 10 18 |
| | | | | 21, 22 | , 21/1, 23 23 , 1, 2, 3 |
| | | | | 20, 9, 10, 11, 12/1, 13/1, 2, 13/2, 17, 24, 23 | , |
| | | | | 16, 25, 23, 15, 3/1, 3/2 22 | , |
| | | | | 21, 22, 23 | 24 |
| | | | | 1, 2, 3, 6, 15/1, 15/2, 7, 14/1, 14/2, 24 | , |
| | | | | 8, 9, 10/1, 10/2 | 31 |
| | | | | 3, 4, 5, 6/1, 6/2, 7, 15, 2/1, 2/2, 1, 8, 9 32 | , |
| | | | | 10, 9, 11, 12, 13, 1 32 | 4, 17, 16, 25, 24/1, |
| | | | | 24/2, 18, 19, 20 33 | , 32 |
| | | | | 21, 22 | , |
| | | | | 42 | |
| | | | | 1, 2, 3, 4, 5, 6, 7, 8, 9, 41 | 15, 14 |
| | | | | 1/1, 1/2, 12/1, 12/2, 10, 9, 13, 20, 19, 41 | , |
| | | | | 18, 17, 16, 25, 24, 23, 14 58 | 40 |
| | | | | 5 59 | , 21/1, 21/2, 22, 23, 20 |
| | | | | 1, 2/1, 2/2, 9, 8, 7, 6, 15, 3/1, 3/2, 4, 5/1, 5/2 60 | , |
| | | | | 10, 12/1, 12/2, 11, 13, 18, 17, 14, 15, | |

| District | Tehsil | Village | Area in acres | Habdist number | Boundary/Khasra number |
|--------------|--------|---------------------|---------------|----------------|---|
| Mahendragarh | Rewari | Kanwali-- concld | | | 60 9/1, 9/2, 19, 1/1 43 5 |
| Mahendragarh | Rewari | Rampuri | 9.05 | 7 | 9 16, 24, 25, 21 20, 21, 22, 23, 24, 19 2/1, 3, 4, 5, 6, 7, 1 20 10, 9, 8, 11, 12/1, 12/2, 13, 14/1, 14/2 20 15, 16/1, 16/2, 17, 18, 1 19 20, 19, 18, 21, 22/1, 22/2, 23, 11, 24, 24 2, 3, 4, 8/1, 8/2, 7/1, 7/2, 13, 14/1, 14/2, 15, 24 16, 17/1, 17/2, 24, 25 31 30 4, 5, 6, 15 36, 19/2 1, 10, 11 |
| Mahendragarh | Rewari | Didoli | 5.57 | 8 | 9 20, 21, 22 20 1/1, 1/2, 2, 9, 10, 12/1, 12/2, 13, 18, 19, 20 22, 23, 24, 8 26 21 27 3, 4, 7/1, 7/2, 8, 13, 14, 15, 16, 17/1, 17/2, 27 25, 24, 6/2 36 4, 5, 6/1, 6/2, 15, 16, 25 37 1, 10, 11, 20/1, 20/2, 20/3, 20/4, 21 49 1, 10, 11, 20, 21 50 5/1, 5/2, 6, 15, 16, 25/1, 25/2 54 53 1, 5 29 |

| District | Tehsil | Viliage | Area in acres | Habbast Number | Boundary/Khasra number |
|--------------|--------|---------|---------------------|-------------------|--|
| Mahendragarh | Rewari | Maseet | 4.93 | 9 | 19 |
| | | | | | 1, 2, 10/1, 10/2, 11, 20, 21 18 |
| | | | | | 5, 6/1, 6/2, 15, 16/1, 16/2, 25 26 |
| | | | | | 5/2, 5/1, 6, 15, 16, 25 25 |
| | | | | | 1, 10, 11, 20, 21 43 |
| | | | | | 1, 10, 11, 20, 21 42 |
| | | | | | 5, 6, 15, 16/1, 16/2, 25 51 |
| | | | | | 5, 6, 15, 16, 25 50 |
| | | | | | 1, 10, 11, 20, 21 66 |
| | | | | | 1, 10, 11/1, 11/2, 20, 21 65 |
| | | | | | 5, 6, 15, 16, 25/1, 25/2 71 |
| | | | | | 1, 10/1, 10/2, 11, 20/1, 20/2, 21 72 |
| | | | | | 5, 6, 15, 16, 25 and generally lying in the direction from North-West to South-East, West to East and then North-West to South-East as demarcated at site and as shown on the Index Plan. |
| Total | | | 109.71 | | 26 |

By Order of Governor of Haryana,

A. M. SINGAL,

Superintending Engineer,
Jawahar Lal Nehru Canal Circle No. II, Rohtak.

The 13th January, 1978

No. 808/2-L.—Whereas it appears to the Governor of Haryana that land specified below is needed by the Government, at public expense, for a public purpose, namely, for constructing Pokharwas Sub-minor from R.D. 0 to tail R.D. 7,500, taking off at R.D. 5,200, right of Pokharwas Minor in village Diwarka in tehsil Dadri, district Bhiwani and in village Pokharwas in tehsil Bhiwani, district Bhiwani, it is hereby notified that the land in the locality specified below is to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana hereby authorises the officers of Irrigation Department for the time being engaged in the undertaking alongwith their servants, workmen, etc., to enter upon and survey land in the locality and do all other acts required or permitted by the section.

Further, whereas the Governor of Haryana is satisfied that the land is required for constructing Pokharwas Sub-minor from R.D. 0 to tail R.D. 7,500 which is of very urgent importance within the meaning of clause (c) of sub-section (2) of section 17 of said Act and whereas the Governor of Haryana is of the opinion that the provision of sub-section (2) of the said section are thus applicable, it is hereby directed under sub-section (4) of section 17 of the said Act, and that of the provisions of section 5A of the said Act shall not apply in regard to this acquisition.

SPECIFICATION

| District | Tehsil | Village | Habdist No. | Area in acres | Boundary |
|---|---------|-----------|----------------|------------------|--|
| A strip of land measuring 7,500 feet in length and varying in widths passing through khasra numbers as below :— | | | | | |
| Bhiwani | Dadri | Diwarka | 31 | 0.19 | 160 |
| Bhiwani | Bhiwani | Pokharwas | 68 | 11.71 | 66 |
| | | | | | 21, 20, 11, 10, 1 |
| | | | | | 50 |
| | | | | | 21, 20, 11, 10 |
| | | | | | 15 |
| | | | | | , 6, 5, 4 |
| | | | | | 1 |
| | | | | | 38 |
| | | | | | 39 |
| | | | | | 24, 18, 13, 12, 10, 9 |
| | | | | | 34 |
| | | | | | 6, 5, 4 |
| | | | | | 33 |
| | | | | | 24, 23, 18, 19, 12, 11 |
| | | | | | 25 |
| | | | | | 15, 7, 8, 3, 2 |
| | | | | | 26 |
| | | | | | 22, 21, 20 |
| | | | | | 16, 17, 14, 15 |
| | | | | | and generally lying in the direction from south-west to north-east and then south-east to north-west as demarcated at site and as shown on the index plan. |

11.90

No. 815/2L.—Whereas it appears to the Governor of Haryana that land specified below is needed by the Government, at public expense, for a public purpose, namely, for constructing Pokharwas Minor from R. D. 0 to tail R. D. 11,800, taking off at R. D. 64,000, Right of Kuram Distributary in village Diwarka, in tehsil Dadri, district Bhiwani and in village Pokharwas, in tehsil Bhiwani, district Bhiwani, it is hereby notified that the land in the locality specified below is to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana hereby authorises the Officers of Irrigation Department for the time being engaged in the undertaking alongwith their servants, workmen, etc. to enter upon and survey land in the locality and do all other acts required or permitted by the section.

Further, whereas the Governor of Haryana is satisfied that the land is required for constructing Pokharwas minor from R. D. 0 to tail R. D. 11,800 which is of very urgent importance within the meaning of clause (c) of sub-section (2) of section 17 of the said Act and whereas the Governor of Haryana is of the opinion that the provisions of sub-section (2) of the said section are thus applicable it is hereby directed under sub-section (4) of section 17 of said Act and that the provisions of section 5A of the said Act shall not apply in regard to this acquisition.

SPECIFICATIONS

| District | Tehsil | Village | Hadbast No. | Area in acres | Boundary |
|----------|---------|-----------|-------------|---------------|--|
| Bhiwani | Dadri | Diwarka | 31 | 8.86 | A strip of land measuring 11,800 feet in length and varying in widths passing through Khasra Numbers as below :— |
| | | | | | 219, 217, 216, 215, 173, 177, 176, 175, 174 _____, 180, 161, 162, 184, 160 2 |
| Do | Bhiwani | Pokharwas | 68 | 10.24 | 65 _____ 16, 17, 18, 13, 12, 9, 10, 1 64 _____ 5, 6, 7, 4, 3, 8, 2, 9, 1, 10 63 _____ 5, 6, 4, 7, 3, 8, 2, 9, 1, 10 62 _____ 5, 6, 4, 7, 3, 8, 2, 9, 1, 10 61 56 _____ 5, 4, 24, 23, 18, 19, 12, 11, 10 57 _____ 6, 15, 7, 4, 3 and generally lying in the direction from south-west to north-east, then south-east to north-west as demarcated at site and as shown on the Index Plan. |

By order of Governor of Haryana,

Y. P. GUPTA,
Superintending Engineer,
Loharu Canal Circle, Rohtak.

LABOUR DEPARTMENT

The 5th January, 1978

No. 19565-4-Lab-77/396.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Dujadwala Industries, 14/1 Mile Stone, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 26 of 1973

between

Shri Abdul Hanif, workman and management of M/s Dujadwala Industries, 14/1 Mile Stone, Mathura Road, Faridabad.

Present.—

Shri Dhim Singh Yadav, for the workman.

Shri A.J.S. Chadha, for the management.

AWARD

By order No. ID/FD/72/101291, dated 13th March, 1973 the Governor of Haryana referred the following disputes between the management of M/s Dujodwala Industries, 14/1 Mile Stone, Mathura Road, Faridabad and its workman, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) subsection (1) section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Abdul Hanif was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were given to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were fixed by my learned predecessor on 11th March, 1974.

1. Whether the claim of the workmen is misconceived and the reference is bad in law?

(2) Whether the termination of services of Shri Abdul Hanif was justified and in order ?
If not, to what relief is he entitled ?

The case was fixed for the evidence of the management. The management examined Shri A. J. S. Chadha, the Enquiry Officer as M.W. 1 who proved charge sheet, explanation thereto, appointment letter, enquiry proceedings and his finding and other documents. He stated that he has given sufficient opportunities to the workmen and issued letters Exhibit M-4, M-6, its Hindi translation Exhibit M-7 but the workman did not attend the enquiry. He again sent another letter Exhibit M-8 with its Hindi version Exhibit M-9, still the workman did not appear. Another registered letter Exhibit M-10 was sent along with its Hindi version Exhibit M-11, postal receipt Exhibit M-12, A.D. receipt Exhibit M-14, certificate of posting Exhibit M-13. He also proved certain letters from the workmen written to him Exhibit M-15 to M-20. This witness also wrote a letter to the Labour-Cum-conciliation Officer to depute the Labour Inspector of the area to be present in the enquiry proceedings to ensure that the workman was not debarred from participating in the enquiry. Shri O. D. Sharma, Labour Inspector appeared on 27th January, 1972 before him and in the last date of the enquiry 15th February, 1972 but the workman did not turn up. He himself went to the factory gate along with the Labour Inspector to find out whether the workman had any difficulty to come into the enquiry office but the workman was not present there. He then recorded the evidence of the management proved enquiry proceedings Exhibit M-21 in 19 pages and rest of the papers upto page 87 which are documents. He submitted his report Exhibit M-22. In cross examination he admitted that he had appeared before the Conciliation Officer during conciliation proceedings as the representative of the management. He however admitted that proceedings of first sitting of the enquiry was recorded in English thereafter on the request of the workman they were recorded in Hindi. Enquiry proceedings were communicated to the workmen in Hindi. He however admitted that on 7th January, 1972 the workman was present at the factory gate and he had recorded this fact on the enquiry proceedings, he had requested him personally to attend the enquiry and take part therein but the workman declined to do so. He adjourned the proceedings several times in the interest of justice to give opportunity to the workman to participate in the enquiry. He also admitted that the copy of the finding was not supplied to the workman. The management also examined Shri A.K. Khanna, their Manager as M.W. 2 who proved Exhibit M-24. Exhibit M-25 is the the post receipt pertaining to Exhibit M-24. The management closed their case.

The case was then fixed for the evidence of the workman. The workman examined himself as W.W. 1 who stated that he was the General Secretary of the union who proved his letters and stated that he was not allowed to enter the room of the enquiry officer on the first date of hearing. Whenever, he went to attend the enquiry proceedings he was not permitted to do so and he never saw the Enquiry Officer present at the place intimated to him and he was victimised for his trade union activities. In cross examination he admitted that he had often meeting in the office of the Labour Officer and Labour Inspector. He denied the suggestion that the Labour Inspector was present in the factory on 15th February, 1972. He never met Shri A.J.S. Chadha and one Chowkidar Shri Shukla preventing him from entering the factory. The workman also examined W.W. 2 Shri Vijinder Singh who deposed that he saw the workman near the factory gate in the morning and noon time at about 8 A.M. and 12 noon and the workman used to tell him that he wanted to participate in the enquiry but he was not allowed to enter the factory. He further deposed that the workman was Secretary of the union and had once Gherrued the Labour Inspector within premises of the factory and he was the Joint Secretary of the union. He could not produce documents relating to the membership of the union. In cross examination he stated that he had reported to the union about the obstruction caused by the management in the entry of the workman for the purpose of the enquiry. He further deposed that he did not see the Labour Inspector during the enquiry. He stated that he did not report to any authority regarding the obstruction caused to the workman by the management. The workman also examined Shri Dhim Singh Yadav as W.W. 3 who deposed that the workman was the General Secretary of the union and Shri M.S. Badal was the President. He further deposed that he was going to the factory gate at every date of hearing along with the workman but they were never allowed entry. In cross examination he stated that the workman of this factory had resolved to appoint him as a Secretary. He knew the enquiry officer but the enquiry officer declined to see him even at his residence. He admitted in cross examination that the workman was intimated of the date of hearing of the enquiry and he did not saw Shri O.D. Sharma Labour Inspector on 27th January, 1972 inside the factory. He denied the suggestion that the workman intentionally absented himself on the date o

hearings of the enquiry. He further stated that Shri Panday, the watchman used to obstruct his entry in the factory. He could not recollect if other persons were present at that time. I have considered the evidence of the parties. I have also gone through the enquiry proceedings. The parties have filed written arguments. I have also gone through these written arguments.

It is admitted in the evidence of the workman that he was informed of every date of hearing. It is also in the evidence of the parties that the workman was absent in enquiry proceedings. The management states that the workman did not appear of his own whereas the workman states that he was obstructed by the management to attend the enquiry proceedings and was not allowed entry. The crucial point for decision is whether the workman himself did not attend the enquiry proceedings or he was obstructed by the management to attend. I now give my findings issue-wise.

Issue No. 1.--There is not an iota of evidence by the management on this issue. I have perused preliminary objections given in the written statement of the management. I failed to understand as to how the claim of the workman is mis-conceived and the reference is bad in law. I, therefore, decide this issue against the management.

Issue No. 2.--On this issue the management has examined Shri A.J.S. Chadha, the Enquiry Officer as M.W. 1 who stated that the workman was given sufficient opportunity in the enquiry proceedings and he sent letters Ex. M-4 and M-6 to the workman, Ex. M-4 *vide* Registered A.D. but the workman did not appear in the enquiry. He again sent letter Ex. M-8 with its Hindi version Ex. M-9 and similarly the Hindi translation of Ex. M-6 was Ex. M-7, but even then he did not appear. Again letter Ex. M-10 with its Hindi version Ex. M-11 was sent to the workman, postal receipt whereof is Ex. M-12, certificate of posting Ex. M-13 and receipt Ex. M-14, even then he did not appear. He further stated that he received some letters from the workman concerned Ex. M-15 to M-20 stating that the workman was not allowed participation in the enquiry but those were false allegations. Then this witness wrote to the Labour-cum-Conciliation Officer to depute the Labour Inspector of the area to be present in the enquiry proceedings to ensure that the workman concerned is not debarred from participating in the enquiry. That letter is Ex. M-8. The Labour Inspector appeared twice in enquiry proceedings but the workman did not turn up. He himself had gone to the factory gate with the Labour Inspector to find out if the workman had not difficulty in coming to the enquiry officer but the workman was not present there. Then he recorded the evidence of the management. Ex.-21 is the complete record of the enquiry proceedings from page 1 to 19 and rest of the papers upto page 87 relate to the documents and correspondence. He submitted his finding report Ex.-M22 which runs from pages 89 to 97 which was correct and was signed by him. In cross examination he stated that on the request of the workman the proceedings were held in Hindi, although the proceedings of first sitting were held in English and whenever a letter in English was sent to the workman, its Hindi version or translation was sent to him with it. The dates of all the proceedings were communicated to the workman in Hindi. He stated that the workman also addressed letters to him on his residential address also and those letters have been placed on the record. On 7th January, 1972 the workman was present at the factory gate and he has recorded that fact in his proceedings. He further stated that he personally requested the workman then to come inside and take part in the enquiry proceedings but he declined to participate and that fact also has been recorded by him in enquiry proceedings. He adjourned the case even without the request of the workman so that the workman may have opportunity to participate in the enquiry. Then the management examined Shri A.K. Khanna, their Manager who proved letter Ex. M-24 and a receipt Ex. M-25. The management closed their case.

Then the case was fixed for the evidence of the workman. The workman examined himself as W.W. 1 and one Shri Vejinder Singh as W.W. 2 and Shri Dhim Singh Yadav his authorised representative as W.W. 3. The workman concerned stated that he was not allowed to enter in the room of the enquiry officer on the first date of hearing. He sent letters. He proved several documents also. Ex. W. 1 to W.21. He stated that whenever he went to attend the enquiry proceedings he was not permitted to do so. He stated in cross examination that he had been often meeting the Labour Officer and Labour Inspector also. He stated that he knew the enquiry officer Sh. A. J. S. Chadha and he never met him in the factory or at his residence. He was prevented by a Chowkidar. W.W. 2 stated that the workman used to tell him that though he was prepared to take part in the enquiry yet his entry had been stopped by the management. I am not going to believe this statement even the workman concerned has not stated that he had told this fact to this witness. Moreover W.W. 2 is not an eye witness. W.W. 3 stated that the workman was the secretary of the union. He stated that he had been going to the factory premises on every date of hearing fixed by the Enquiry Officer along with the workman and the workman was not allowed entry but the workman did not state that he attended the gate of the factory with his representative. Moreover it proves beyond doubt that the workman and his representative were in the know of all dates of hearing of the enquiry proceedings. He stated that Enquiry Officer declined to see him and the workman even at his residence when they tried to meet him but the workman himself has stated in his cross examination that he never met the enquiry officer at his residence. W.W. 3 admitted that the workman was intimated the dates of hearing of the enquiry. He further stated that he did not see Shri O. D. Sharma, the Labour Inspector, on 27-1-72. He denied the suggestion that the workman concerned absented himself on the date hearing on the enquiry. He further stated that Shri Panday, the watchman used to obstruct his entry and the entry of the workman inside the premises whereas the workman stated that one Shri Shukla the Chowkidar prevented him from entering the factory.

There are much contradictions in the evidence of the workman concerned. The evidence of the workman concerned is unbelievable and unreliable. The Enquiry Officer is not an employee of the management. Had it been so, there might have been a suggestion to him in the cross examination by the workman. The statement of the Enquiry Officer is reliable and conforming to the documents in the enquiry proceedings.

I have also gone through the enquiry proceedings. I do not find any fault in the enquiry proceedings. It seems clear that the workman concerned did not appear at the enquiry proceedings and his plea that he was prevented from participating in the enquiry, has not been substantiated. I, therefore hold that the domestic enquiry has been held in accordance with the principles of natural justice and is not vitiated for any reason. The enquiry officer has found the workman concerned guilty of the charges falling under sub-clause 27 of clause 20 of the certified standing orders, although he has exonerated the workman concerned of charges Nos. 2 to 7 and 11 but he has held that the charges proved against the workman concerned is a serious one. Sub clause 27 of clause 20 of the certified standing orders has been perused by me and according to clause 21 of the certified standing orders a workman can be dismissed or discharged from his service. Therefore, the service of the workman concerned have been terminated by the management justifiably. I, therefore, decide issue No. 2 in favour of the management. I, therefore, give my award as follows:—

That the termination of services of Shri Abdul Hanif was justified and in order. He is not entitled to any relief.

Dated 10th December, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1206, dated 20th December, 1977

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated 20th December, 1977,

Presiding Officer,
Industrial Tribunal, Haryana,
Fridabad.

No. 19564-4Lab-77/398.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act, No.XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workmen and the management of M/s Bhiwani Textile Mills Bhiwani.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD

Reference No. 12 of 1972

between

THE WORKMAN AND THE MANAGEMENT OF M/S BHIWANI TEXTILE MILLS BHIWANI.

Present.—

Shri Onkar parshad, for the workman

Shri B. R. Ghai, for the management

INTERIM AWARD

In this reference I have given my interim award on other disputes than dispute, Nos. 3, 12 and 13,—*vide* my interim Award dated 27-10-77 which has been published in Haryana Government Gazette, dated November, 22, 1977. Now I am giving my award on dispute No. 3, 12 and 13 herein. This shall fully and finally dispose off reference No. 12 of 1972.

DISPUTE NO. 3.—

“Whether arrangement for providing cheap meal at the rate of 50 paise per meal should be made in the canteen of the factory ? If so, with what details?”

The above dispute was comprised in issue No. 16 which reads as follows:—

“Whether arrangement for providing cheap meal at the rate of 50 paisa per meal should be made in the canteen of the factory? If so, with what details?”

The parties had led their evidence on this issue and arguments have also been heard on this issue.

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M. W. 4 Shri N. S. Mehta, Factory Manager, has stated that the management have an arrangement for providing Snacks and Tea to the workmen in their Canteen although there is no arrangement for providing meals and that a majority of workmen reside near the premises of the factory, they take their meals during lunch hours at their homes. The management made an experiment in the year 1964 to provide meal to the workmen but not more than 8/10 workmen came to take their breakfast. The experiment failed. In T. I. T. Mills also the experiment failed in that year. Even the T. I. T. Mills had no arrangement for providing meal to their workmen. In cross examination he stated that he had no idea of the names of the members of the canteen works Committee and that the management had given the canteen on contract to a contractor free of rent. I have gone through the written arguments of the parties also. It has been stated by the workmen that according to the computation made by the Government of diet costs per day from June, 1970 to March, 1971, the diet cost comes to 96 paisa per day. As far as the costs of diet is concerned, the workmen argued that the management has not contested it even in their written statement. They have opposed their demands on their previous experiment which had failed. The workmen have also referred the report of National Commission on Labour. The management have argued that the management can be required to run the canteen on "no profit no loss" basis and the management would be willing to provide meal on this basis but they further argued that the workers were not interested in availing of this facility, since they came nearby places. I have considered the arguments of the parties. I think that cheap meal should be provided to the workmen in their duty hours because they have to perform duty for 8 hours, and at the time of meal, snacks and tea may not prove to be sufficient food for a workman who work there on machines. I am therefore of this view that meal should be provided by the management in their canteen, as far as cost price of food is concerned, the figures given by the workmen relate to the year 1970-71, which can not be served as basis at present. I think the basis supplied by the management is a reasonable one. I, therefore, hold that meal to the workmen should be provided at the time of meals on the basis of "no profit no loss". I have also realised the difficulties of the management. They had argued that not more than 8/10 persons come to take their meals in the year 1964. In this connection if only 10 persons come to take their meal, the management is put to un-bearable position. I, therefore, give these details so that arrangements may succeed. I think if at least 850 workmen take their meal, the management should have no difficulties to make these arrangements. I, therefore, give my award on dispute No. 3 follows :—

"That the workmen should be provided meal in the factory canteen of the management at meal time during their duty hours on "no profit no loss" basis and should continue this arrangement at least for 3 months.

At least 50 workmen should take their meal in the factory canteen as said above. During the said three months if the average of workmen taking their meal as said above is not 50 or more, the management can stop the arrangement after three months of the start of the arrangement.

Dispute No. 12.

The dispute No. 12 is as follow :—

"Whether the workmen should be granted wheat loan advance ? If so, with what details ?".

This dispute is comprised in issue No. 14 which reads as follows :—

"Whether the workmen should be granted Wheat Loan Advances, if so, with what details ?"

I have gone through the evidence of the parties on this issue. The workmen had not given sufficient or satisfactory evidence on this issue. Moreover, at present I also feel that there is no wheat scarcity in the market and wheat is always available in the market. I, therefore, decide this issue against the workmen and decide that the workmen are not entitled to any wheat loan advance. On this dispute, I give my award that the workmen are not entitled to any wheat loan advance.

Issue No. 13.— Issue No. 13 reads as follows :—

"Whether the workmen (list enclosed) annexure 'B' should be confirmed, with what details ? "

I have gone through the evidence of the parties on this issue. I have also considered the arguments of the parties. According to the management 152 workmen have been shown in annexure 'B'. I have gone through annexure 'B'. It is correct that 152 workmen have been shown in this annexure. The management have argued that they are Badli workers, hence they cannot be confirmed. The management has further argued that 41 workmen have already been made permanent and that 70 workmen had left their service, and that was the position upto July, 1974. The management further argued that some of the workers might have been made permanent or might have left the service after July, 1974. Badli workers are the workers who worked in place of workers who are on the rolls of the factory. The workmen have argued that they are not Badli workers. The management have also argued that they have been shown on their cards as Badli workmen." Showing Badli workers on card, does not matter. It is the management that shows the category of workmen on these cards. If the workmen are no Badli workmen and the management have shown them Badli workmen on their cards, This shall be immaterial

for me. The management further argued that if Badli workers want permanent job, it shall be the matter of promotion and not of confirmation. I do not agree with this contention of the management. The promotion and confirmation are different matter. Confirmation and promotion are two different matters in ingredients and in constituents.

W.W. S has deposed that the workmen shown in annexure W-1 to W-7 are marked in attendance register on the rolls of the establishment, their leave records is maintained, when they are laid off compensation is paid to them. He has stated that the workers who do not complete 240 days of service or one year of service are not paid, lay off compensation and their names have not been included in these annexures, they are not Badli workers. He in cross examination, admitted that some of them have left service, and some of them have been made permanent.

It is in the evidence of the management that 41 workmen out of these 152 workmen have been made permanent, therefore, their plea, that these workmen can not be made permanent does not stand. The management have placed on file Exhibit M-3, showing the names of the workmen who have been made permanent in this connection. They also placed on file Exhibit M-4 showing the names of workmen who have left service.

Explanation to section 25(C) of the I.D. Act reads that if a Badli workman has completed one year of continuous service in the establishment, he shall cease to be Badli workers. The management has stated that these workers are Badli workers. They have not given details as to in whose places they have worked. The plea that these workmen are Badli workmen does not stand. In this connection the management have argued that the demand is not in accordance with the terms of reference. I do not find any contradiction in the demand and the terms of reference in this respect. I have seen Exhibit M-6. In this the attendance of workmen have been shown. In this statement I find that the attendance of workmen have been shown since in the year 1968 to the year 1973. It shows that the workmen are working in the Mills for 5 years before the year 1973, and if some of the workmen out of these un-confirmed 152 workmen are still in the employment of the management, then it goes to prove that they are working in the employment of the management for the last 8/9 years. It is justified that the workmen who are still in the employment of the management out of these 152 workmen should be confirmed. 70 out of them have left the service of the management, 41 have been made permanent by the management, there remaining 41 workmen to be confirmed by the management and if some of these 41 un-confirmed workmen have left service of the management or have been made permanent by the management, this number of 41 reduces to the extent of the number of workmen leaving the employment or made permanent by the management, therefore, I find it justifiable that the remaining unconfirmed workmen, whose number maximum is 41 and minimum is that reduced by leaving service by them or being made permanent by them. I, therefore, decide this issue in favour of workmen and decide that the remaining un-confirmed workmen who have neither been made permanent by the management nor who have left the service of the management be made confirmed. The management has shown that these workmen started working since the year 1968. At least they have completed their service for 4 years prior to the order of reference, I think, they are entitled to be confirmed on and from the date of reference i.e. 1st February, 1972. They are entitled to get other benefits which a confirmed workman gets after confirmation from the date of his confirmation. I therefore give my award on dispute No. 13 that the remaining unconfirmed workmen, who are still in the employment of the management, out of 152 workmen shown in annexure 'B' to the order of reference, should be confirmed. As regards details, they should be confirmed with effect from the date of order of reference i.e., 1st February, 1972. They should also get other benefits, which a confirmed workman gets after confirmation from the date of his confirmation.

This award of mine supplements my previous interim award described in the first opening para of this award and completes my answer to the order of reference described in the title of the award.

NATHU RAM SHARMA,

The 20th December, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1207.

dated 20th December, 1977.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 6th January, 1978

No. 18997-4Lab-77/454.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following

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award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workman and the management of M/s. Laldee (P) Ltd., II, N.I.T. Faridabad:—

**BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 59 of 1973

between

**SHRI PARAN NATH JERATH WORKMAN AND THE MANAGEMENT OF M/S. LALDEE
(P) LTD; II, N. I. T., FARIDABAD**

Present.— Shri R. N. Roy, for the workman.
Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/73/18268, dated 26th May, 1973, the Governor of Haryana referred the following dispute between the management of M/s. Laldee (P) Ltd., II, N. I. T., Faridabad and its workman Shri Paran Nath Jerath, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Paran Nath Jerath was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference notices, were given to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed by my learned predecessor on 7th May, 1974.

- (1) Whether the workman concerned has failed to adopt the grievance procedure provided in the standing orders of the company? If so, with what effect?
- (2) Whether it is a case of self abandonment of service of the workman concerned?
- (3) Whether the termination of services of Shri Paran Nath Jerath was justified and in order? If not, to what relief is he entitled?

The case was set for the evidence of the management. The management examined their witness and closed their case. The workman had absented on the day when his evidence was ordered to be adduced, therefore, he could give his evidence. He applied for setting aside *ex parte* ordered against him which was beyond time. It was rejected. Although he was allowed opportunity to take part in further proceedings. The case was then set for arguments. The parties argued their case.

It was at this stage that the parties settled their dispute. The representative for the management stated that the management was prepared to pay a sum of Rs. 4,000 only in total in full and final settlement of all the dues and claims of the workman if the workman gave up his dispute the workman shall not be entitled to any relief, nor shall be entitled to reinstatement or re-employment by the management and all the dues of the workman and all his claim shall be satisfied on the payment of Rs. 4,000 as above stated. The workman and his representative agreed to this statement after hearing it and agreed to abide by it.

The parties prayed for an award to be given accordingly. I, therefore give my award as follows:—

- (1) That the management is liable to pay a sum of Rs. 4,000 only to the workman concerned in full and final settlement of all his dues and claims.
- (2) That all dues and claims of the workman concerned shall be satisfied on the payment of the above said sum of Rs. 4,000 only. The workman shall have no right to claim any dues or any benefit from the management.
- (3) That the workman concerned shall not be entitled to reinstatement or re-employment by the management.
- (4) That the workman has given up his dispute under references.
- (5) That the termination of services of Shri Paran Nath Jerath was justified and in order. He is not entitled to any relief, except this that he shall get a sum of Rs. 4,000 only from the management as agreed to between the parties as per their terms stated above.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 30th November, 1977.

No. 1159, dated the 30th November, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated the 30th November, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 18998-4Lab-77/460.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Hindustan Machine Tools Ltd., Pinjore :—

**BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 164 of 1973

between

**THE WORKMEN AND THE MANAGEMENT OF M/S. HINDUSTAN MACHINE TOOLS LTD.,
PINJORE (AMBALA)**

Present :—

Shri Abhey Singh, for the workmen.

Shri Bhagirath Dass, for the management.

AWARD

By order No. ID/AMB/12-G-73/391131, dated 20th September, 1973, the Governor of Haryana, referred the following dispute between the management of M/s Hindustan Machine Tools Ltd., Pinjore (Ambala) and its workmen to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the management should introduce buses for Nalagarh and Kalka Routes for the workers in 'D' shift ? If so, with what details ?
- (2) Whether Shri Puran Chand T. No. 2934 of Tool Design Section should be given the grade as per management's letter No. PMR/700/2934, dated 6th May, 1970, w. e. f. 1st May, 1971 ? If so, with what details ?
- (3) Whether all those employees who have been discriminated for allotment of workers quarters on seniority basis, should be compensated @ Rs. 50/- per month rent which is difference between the rent of H.M.T. Quarters and the rent they are paying at Chandigarh ? If so, what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed the pleadings. On the pleadings of the parties, the following issues were framed by my learned predecessor on 20th September, 1976.

- (1) Whether the management should introduce buses for Nalagarh and Kalka Routes for the workers in 'D' shift ? If so, with what details ?
- (2) Whether Shri Puran Chand T. No. 2934 of Tool Design Section should be given the grades as per management's letter No. PMR/700/2934, dated 6th May, 1970, w. e. f. 1st May, 1971 ? If so, with what details ?
- (3) Whether all those employees who have been discriminated for allotment of workers quarters on seniority basis should be compensated @ Rs 50 per month rent which is difference between the rent of H.M.T. quarters and the rent they are paying at Chandigarh ? If so, with what details ?

The case was then fixed for the evidence of the workmen. The workmen examined Shri Abhey Singh, Secretary H. M. T. Workers Union, Pinjore as W. W. 1. who stated that the management has started two bus services towards Nalagarh side for their employees working in the third shifts but this facilities is not provided to the employees working in the third shift and the strength of the employees of the third shift is not less than the strength working in any one shift and the availability of bus service to the employees of the third shift is justified. In cross examination he stated that third shift is called 'D' shift which starts from 8 A.M. to 4 P.M. and in this shift 50 workmen attended. He however, could not give the list of employees coming from Nalagarh side in any shift. The reference was not initiated by his union but his union got two representations from the workmen for this purpose. He, however, did not know that there was any settlement between the management and the H.M.T. Karmik Sangh relating to the provisions of Bus service for the staff towards Nalagarh side. He, however, could not deny, nor could admit, that the bus service started by the management satisfied the H.M.T. Karmik Sangh. He admitted that during the hours of 'D' shift there was a sufficient number of bus services running during that time. He, also admitted that there were Punjab Roadways, Haryana Roadways, Himachal Roadways, bus service available. He, however, could not name any other person than the Administrative Personnel coming from Nalagarh side except one Nasib Singh whose parentage and designation, village or trade could not be given by him. The workmen then closed their evidence.

Then the case was set for the evidence of the management. The management examined one Shri R. K. Mathur their Personnel Manager as M. W. 1 who produced a copy of settlement Ex. M - 1 executed by the concerned parties. He identified the signatures on the settlement. He further stated that there were adequate number of buses during the hours of 'D' shift. and even prior to and later than the hours of 'D' shift. I now give my findings issueswise.

Issue No. 1.

I have perused the evidence of the parties on this issue. There are sufficient number of buses run by several Roadways and that number is adequate. I do not find any case made out by the workmen on issue No. 1 in their favour. I, therefore, decide issue No. 1 against the workmen.

Issues Nos. 2 and 3.

There is not an iota of evidence on these issues. No witness has stated any thing on these issues. I, therefore, decide these issues also against the workmen.

I, therefore, give my award as follows :—

- (1) That there is no case in favour of the workmen which may justify their claim that the management should introduce buses from Nalagarh and Kalka route for the workers in 'D' shift. No details are necessary.
- (2) That Shri Puran Chand T. No.2934 of Tool Design Section is not entitled to the grades as per management's letter No. PMR/700/2934, dated the 6th May, 1970 with effect from 1st May, 1971. No details are necessary.
- (3) That the employees who have not been allotted quarters on seniority basis are not entitled to compensation at the rate of Rs. 50/- or at any rate.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 21st November, 1977.

No. 1151, dated the 30th November, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 30th November, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 18999-4Lab-77/462 —In pursuance of the provision of Section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the

following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. United Oil Mill Machinery and Spare Parts Private Ltd Mathura Road, Faridabad.

**BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FRIDABAD**

Reference No. 28 of 1974

between

SHRI NARINDER SINGH, WORKMAN AND THE MANAGEMENT OF M/S UNITED OIL MILL MACHINERY AND SPARE PARTS PRIVATE LIMITED, MATHURA ROAD, FARIDABAD

Present :—Shri Bhim Singh Yadav for the workman,

Shri S. L. Gupta, for the management.

AWARD

By order No. ID/FD/73/5660, dated the 5th March, 1974, the Governor of Haryana, referred the following dispute between the management of M/s United Oil Mill Machinery and Spare Parts, Private Limited, Mathura Road, Faridabad and its workman Shri Narinder Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947.

Whether the termination of services of Shri Narinder Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed by my learned predecessor on 19th August, 1974.

- (1) Whether the dispute the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation? If not, with what effect?
- (2) Whether the termination of services of Shri Narinder Singh was justified and in order? If not, to what relief is he entitled?

The case was set for the evidence of the parties on issue No. 1, —vide order dated 26th December, 1975 of my learned predecessor issue No. 1 was decided that raising of demand was not necessary and the case was set then for the evidence of the management on issue No. 2. Thereafter, issue No. 2 was recalled by my learned predecessor on 25th August, 1976 as follows :—

Whether the workman abandoned his job voluntarily by absenting himself from duty with effect from 8th May, 1973?

The case was fixed for the evidence of the management examined Shri Subhash Chopra, their Time Office Incharge who proved that the workman concerned had proceeded on leave from 9th April, 1973 to 21st April, 1973 and over stayed till 27th April, 1973. The workman attended his duty on 28th April, 1973. He was taken on duty, when he explained his reasons for over stay, the workman again absented from 29th April, 1973 till 6th May, 1973. He attended his duty on 7th May, 1973 received his wages and again absentad from 8th May, 1973 to 22nd May, 1973 whereafter his name was struck off the rolls under clause 13(6) of their certified standing orders. This witness proved certain documents. Then the management examined Shri S. L. Gupta, their authorised representative as M. W. 2 who stated that he offered the workman to take him back on duty before the Conciliation Officer, but without back wages. The workman declined to join his duty without back wages b.t had agreed to join with back wages. The management then closed their case.

Then the case was set for the evidence of the workman. The workman examined himself M. W. 1, who stated that he was turned out of the job without any charge sheet and any letter on 8th May, 1973. He further deposed that he had demanded his dues for lock out period which has been paid to other workmen and on this the management turned him out of the job, and got displeased. The workman closed his case.

Then the case was fixed for arguments. On the date fixed for arguments the representative of the workman withdrew from the reference on the ground that he had no instructions from the workman nor he has been able to meet the workman on 25th April, 1977, he, therefore, did not appear. The arguments for the management were heard.

I have considered the evidence of the parties oral as well as documentary.—*Vide Ex. M. 1*, which was issued to the workman against his absence. M. 2 is the extract from the certified standing orders. M. 3 is the copy of the attendance register of the factory of the management for the months of April and May, 1973.

I find that the statement of M. W. 1 regarding absence of workman is corroborated from M. 3. The workman is shown absent continuously from 29th April, 1973 till 5th May, 1973. He was present on 7th May, 1973 and thereafter he is present from 8th May, 1973 to 22nd May, 1973 and thereafter his name was struck off the rolls due to long absence. I have gone through Ex. M. 2 extract of certified standing orders which reads that if a workman is absent for more than 10 days, shall be deemed as having left the service of his own accord. I, therefore, give my finding on issue No. 2 in favour of the management. I, therefore, give my award as follows :—

- (1) That the workman abandoned his job by absenting himself from duty for more than 14 days, i.e., for 15 days.
- (2) That it was not a case of termination of services of the workman Shri Narinder Singh by the management. Hence the justifiability or un-justifiability is out of question.
- (3) That the workman concerned Shri Narinder Singh is not entitled to any relief.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1155, dated the 30th November, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 7th January, 1978

No. 19094-4Lab-77/586.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Kaushik Enterprises, Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 81 of 1977

between

SHRI MAHAVIR, WORKMAN AND THE MANAGEMENT OF M/S KAUSHIK ENTERPRISES, BALLABGARH

Shri Roshan Lal, for the workman.

Nemo for the management.

AWARD

By order No. ID/FD/2096-A-77/23285, dated the 14th June, 1977, the Governor of Haryana, referred the following dispute between the management of M/s. Kaushik Enterprises, Ballabgarh and workman Shri Mahavir, to this Tribunal, for adjudication, in exercise of the powers conferred under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Mahavir was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The representative for the workman appeared but the management did not appear. On 18th October, 1977 notice to the management was ordered for 2nd December, 1977. On 19th October, 1977 the management filed a settlement and application for taking up the file that day and recording of settlement.

Today the case was taken up as it was fixed for today. Today the representative for the workman appeared and stated that he admitted the facts that the workman has received his full and final payment and had given a receipt therefor. He further stated that the dispute stood settled and there was no dispute now. I have perused the settlement. It is quite in accordance with the statement of the representative for the workman. I, therefore, give my award as follows :—

- (1) That the workman concerned Shri Mahavir has received his full and final payment and the dispute has been resolved.
- (2) That in view of the statement of the representative of the management, the termination of services of Shri Mahavir was justified and in order ? He is not entitled to any relief.

NATHU RAM SHARMA,

The 2nd December, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1179, dated the 2nd December, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

The 2nd December, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1997-4Lab-77/588.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Kaushik Enterprises, Ballabgarh.

**BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.**

Reference No. 76 of 1977

between

**SHRI JHAMMAN LAL, WORKMAN AND THE MANAGEMENT OF M/S KAUSHIK
ENTERPRISES, BALLABGARH.**

Present.—

Shri Roshan Lal, for the workman.

Nemo, for the management.

AWARD

By order No. ID/FD/2096-B-77/23109, dated 13th June, 1977, the Governor of Haryana, referred the following dispute between the management of M/s Kaushik Enterprises, Ballabgarh and its workman Shri Jhamman Lal, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Jhamman Lal, was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The representative for the workmen appeared but the management did not appear. On 18th October, 1977 notice to the management was ordered for 2nd December, 1977. On 19th December, 1977 the management filed a settlement and application for taking up the file that day and recording of the settlement.

Today the case was taken up as it was fixed for today. Today the representative for the workmen appeared and stated that he admitted the facts that the workman has received his full and final payment and had given receipt therefor. He further stated that the dispute stood settled and there was no dispute now. I have perused the settlement. It is quite in accordance with the statement of representative for the workman. I, therefore, give my award as follows :—

- (1) That the workman concerned Shri Jamman Lal has received his full and final payment and the dispute has been resolved.
- (2) That in view of the statement of the representative of the management, the termination of services of Shri Jamman Lal was justified and in order. He is not entitled to any relief.

NATHU RAM SHARMA,

Dated the 2nd December, 1977.

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 1180, dated the 2nd December, 1977.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated the 2nd December, 1977.

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 19098-4Lab-77/590.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Micro Machine Tools-4, Link Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 79 of 1972

between

THE WORKMEN AND THE MANAGEMENT OF M/S MICRO MACHINE TOOLS-4, LINK ROAD, FARIDABAD.

Present :—

Shri Darshan Singh, for the workmen.

Shri S. L. Gupta, for the management.

AWARD

By order No. ID/FD/72/40675, dated 23rd November, 1972, the Governor of Haryana, referred the following disputes between the management of M/s Micro Machine Tools-4, Link Road, Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the management should pay bonus to their workmen for the year 1969-70, 1970-71 and 1971-72? If so, with what details?
- (2) Whether the management should pay dearness allowance to their workmen? If so, with what details?
- (3) Whether the management should supply the uniforms to their workmen? If so, with what details?
- (4) Whether the management should grant annual increments to their workmen? If so, with what details?

- (5) Whether the workers should be granted sick leave as provided in the Punjab Industrial Establishments (National and Festival and Casual and Sick Leave) Act, 1965, over and above the sickness benefit provided under the Employee's Insurance Act ? If so, with what details?

On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed by my predecessor on 26th August, 1975.

- (1) Whether the demands raised by the workmen on the management, as stated in the reference, are legally barred as a result of acceptance by the former from the latter of dues in respect thereof in full and final satisfaction of their account.
- (2) If not, whether the workmen are entitled to the relief in respect of the demands as referred to the Tribunal.

The case was fixed for the evidence of the management on issue No. 1. My learned predecessor decided issue No. 1 against the management per his order, dated 11th November, 1975. Then issue was fixed for the evidence of the workmen. The representative for the workmen obtained 4 increments for adducing his evidence and ultimately he gave a statement that he had no instructions to the workmen and he does not want to proceed with the case. I, therefore, give my award as follows :—

- (1) That the management should not pay bonus to the workmen for the years 1969-70, 1970-71 and 1971-72. No details are necessary.
- (2) That the management should not pay dearness allowance to their workmen. No details are necessary.
- (3) That the management should not supply uniforms to the workmen. No details are necessary.
- (4) That the management should not grant annual increments to their workmen. No details are necessary.
- (5) That the workers should be granted sick leave as provided under the Punjab Industrial Establishment (National and Festival and Casual and Sick Leave) Act, 1965. Even over and above the sickness benefit provided under the employees' Employees' Insurance Act, as sickness benefit or benefits in addition to the sick leave as provided in the Punjab Industrial Establishment (National and Festival and Casual and Sick Leave Act), 1965.

NATHU RAM SHARMA

Presiding Officer,
Industrial Tribunal, Haryana.
Faridabad.

No. 1181, dated the 2nd December, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 19183-4Lab-77/592.—In pursuance of the provision of section 17 of the Industrial Disputes Act, Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of Usha Spinning & Weaving Mills Ltd., Mathura Road Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 17 of 1975.
between

SHRI CHANDER BHAN, WORKMAN AND THE MANAGEMENT OF SHRI TULSI RAM,
CONTRACTOR C/O M/S USHA SPINNING AND WEAVING MILLS, LIMITED, MATHURA
ROAD, FARIDABAD.

Present:—

Shri Ram Murti Sharma, for the workman.
Shri H. R. Dua, for the management.

AWARD

By order No. ID/FD/74/1033/2245, dated 15th January, 1975, the Governor of Haryana referred the following dispute between the management of Shri Tulsi Ram Contractor C/o M/s Usha Spinning and Weaving Mills, Limited, Mathura Road, Faridabad and its workman Shri Chander Bhan, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of section (l) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Chander Bhan was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. Then the case was fixed for orders on issue No. 3, by learned predecessor decided issue No. 3 against the management, for order dated 9th February, 1976.

Then the case was fixed for the evidence of the management. The management closed the case. Then the case was fixed for the evidence of the workman. The workman closed his case.

Then the case was fixed for arguments. At this stage the workman filed an application stating that the management have removed Shri Tulsi Ram contractor and have stopped his work and prayed for adding Usha Spinning and Weaving Mills Ltd, Faridabad to be added as a party as the Contractor was under the said Company.

The reference read the name of the management of Shri Tulsi Ram Contractor C/o M/s Usha Spinning and Weaving Mills Ltd, Faridabad. In the circumstances, it was to substitute another management in this reference which I could not go. I, therefore, disallow the application.

In view of the application the reference has become infructuous as the management described in the order of reference does not exist now and the management to whom the workman wants to make as a party cannot be added as party by me, hence the termination of services of Shri Chander Bhan can not be decided either justified or unjustified as the reference has become infructuous, having no correct name of the management.

However, the workman may raise his dispute afresh against any other management described in the management correctly and properly. This order shall not debar the workman from any right which he possesses against his management.

NATHU RAM SHARMA,

Dated the 7th December, 1977.

Presiding Officer,
Industrial Tribunal, Haryana
Faridabad.

No. 1192, dated the 8th December, 1977.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated the 8th December, 1977.

Presiding Officer
Industrial Tribunal, Haryana,
Faridabad.

No. 19102-4Lab-77/596.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Busching Schmitz Pvt. Ltd., 18/6, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 232 of 1976

between

SHRI MULAKH RAJ, WORKMAN AND THE MANAGEMENT OF M/S BUSCHING SCHMITZ PRIVATE LTD., 18/6, MATHURA ROAD, FARIDABAD

Present:—

Shri Pasham Singh, for the workman.

Shri C. G. S. Pillai, for the management.

AWARD

By order No. ID/43134, dated 23rd November, 1976, the Governor of Haryana, referred the following dispute between the management of M/s Busching Schmitz Private Ltd., 18/6, Mathura Road, Faridabad and its workman Shri Mulakh Raj to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the dismissal of Shri Mulakh Raj was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 27th July, 1977 :—

- (1) Whether the enquiry held by the management is proper, fair and justiciable and is not vitiated on any ground ?
- (2) Whether the workman concerned abandoned his job of his own accord ? If not, to what effect ?
- (3) Whether the dismissal of the workman concerned was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for the evidence of the management. At this stage a compromise was arrived at between the parties according to which the workman received a sum of Rs 1,170 in full and final settlement of his claim and dues including his leave wages etc. The workman withdrew from the dispute. According to settlement the workman was not entitled to reinstatement also. The parties admitted the settlement. To me the settlement looks fair and reasonable as the workman has received the amount. I, therefore, give my award as follows :—

That the dismissal of Shri Mulakh Raj was justified and in order. He is not entitled to any relief. He has received a sum of Rs 1,170 from the management.

NATHU RAM SHARMA,

Dated the 30th November, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1178, dated the 2nd December, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated the 2nd December, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 19096-4Lab.77/598.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workman and the management of M/s. Indo Lownebrau Breweries Ltd., 13/1, Main Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 10 of 1977

between

SHRI RADHEY SHAYAM, WORKMAN AND THE MANAGEMENT OF M/S INDO LOWNEBRAU BREWERIES LTD., 13/1, MAIN MATHURA ROAD, FARIDABAD

Present.—

Shri Pasham Singh, for the workman.

Nemo, for the management.

AWARD

By order No. ID/389, dated 5th January, 1977, the Governor of Haryana referred the following dispute between the management of M/s Indo Lownebrau Breweries Ltd., 43/1, Main Mathura Road, Faridabad and its workman Shri Radhey Shayam, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Radhey Shayam was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 29th June, 1977:—

- (1) Whether the workman was not a permanent workman and the job was not permanent? If so, to what effect?
- (2) Whether the termination of services of Shri Radhey Shayam was justified and in order? If not, to what relief is he entitled?

The case was fixed for the evidence of the management on 16th August, 1977. On 16th August, 1977 the management did not appear, therefore, the *ex parte* proceedings were ordered against them and the case was fixed for the *ex parte* evidence of the workman. The workman examined himself as his own witness who stated that he was employed on 25th February, 1976 and his services were terminated by the management on 2nd February, 1976. He further stated that he was turned out of the job without any notice, charge sheet etc. The letter of appointment is also not on the file. The workman has not probed the terms of employment. He has not stated that he was appointed as a probationer. The service period at his credit is about 5 months and 7 days, i.e., less than six months. He was not confirmed even, nor he has stated that he has been confirmed. I, therefore, give my award as follows:—

That the termination of services Shri Radhey Shayam was justified and in order. He is not entitled to any relief.

Dated the 30th November, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1176, dated the 1st December, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 2nd December, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 19098-4Lab-77/600.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Dewan Shah and Sons (P. Ltd.), Jagadhri.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD
Reference No. 6 of 1973

between

THE WORKMEN AND THE MANAGEMENT OF M/S. DEWAN SHAH AND SONS
(P. LTD.), JAGADHRI

Present.—

Shri Madhu Sudan Saran Cowshish for Metal Mazdoor Sabha,

Shri Surinder Kumar, for Metal Workers Union,

Shri Subhash Chander, for the management.

AWARD

By order No. ID/Amb/159-A-71/394, dated 5th January, 1972, the Governor of Haryana, referred the following disputes between the management of M/s. Dewan Shah and Sons (P) Ltd, Jagadhri and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 : -

- (1) Whether the workers should be granted sick leave as provided under the Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1965 for the days they do not get sickness benefits under the Employees State Insurance Act ? If so, with what details ?
- (2) Whether the workers should be granted bonus for the years 1970-71 ? If so, with what details ?
- (3) Whether the workers should be paid full wages for 5th March, 1971 ? If so, with what details ?

On receipt of the order of reference notices were given to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed by my learned predecessor on 13th September, 1973 : -

- (1) Whether the demand of the workmen for bonus for 1970-71 is premature ? If so, with what effect ?
- (2) Whether the workers should be granted sick leave as provided under the Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act, 1965 for the days they do not get sickness benefits under the Employees State Insurance Act ? If so, with what details ?
- (3) Whether the workers should be granted bonus for the year 1970-71 ? If so, with what details ?
- (4) Whether the workers should be paid full wages for 5th March, 1971 ? If so, with what details ?

The case was fixed for the evidence of the workmen. The workmen examined Shri Madhu Sudan Saran Cowshish, General Secretary of the union who stated that the demand relating to bonus is not for payment of bonus but for disbursal thereof and the workmen have received bonus under protest. He also stated that the management has not implemented the provisions of Industrial Establishment (National and Festival Holidays and Casual and Sick Leave) Act, 1965. He also stated that the date 5th March, 1971 was declared Public Holiday on account of general election in the country and the workers should be paid therefor. The workmen closed their case but reserved their right to file objection to the balance sheet and profit and loss account.

Then the case was set for the evidence of the management. The management examined their Managing Director Shri Dewarka Dass as M. W. 1 who stated that bonus for the year 1970-71 was disbursable in November, 1971 and has been disbursed on 30th November, 1971. He said they have filed balance sheet and profit and loss account and the management is a limited company. He further stated that although 5th March, 1971 was declared Public Holiday but the Labour Inspector and Inspector of Factories instructed to treat it as weekly holiday, hence the workers were not paid for that day. Then again the case was set for the evidence of the workmen. The workmen examined Shri Ram Kishan as M. W. 2 who deposed regarding sick leave and the workmen closed their case. Again the management examined Shri Dewarka Dass Jain, Managing Director as M. W. 1 who deposed that 5th March, 1971 the public holiday was substituted as weekly holiday and the parties closed their case.

The case was at the stage of arguments, then the management gave a statement that they have paid full wages for the month of March, 1971 and also that they have paid bonus for the year 1970-71 and the representative of the workmen admitted these facts. Therefore these two disputes stand settled.

The learned representative for the management further stated that the management shall pay sick leave pay to their workmen for the days they did not get sickness benefit under the Employees State Insurance Act, provided such workmen produced Medical Certificate for those days from either E. S. I. Dispensary or some private M. B. B. S. doctor. It was further stated by the management that they shall grant sick leave in future or pay sick leave pay to their employees who shall not be getting sickness benefit under the E. S. I. Act,

provided the workers produced E. S. I. Dispensary certificate or certificate from some M. B. B. S. doctor. I, therefore, give my award as follows:—

Dispute No. 1.

The workers should be granted sick leave or be paid sick leave pay as provided under the Industrial Establishment (National and Festival Holidays and Casual and Sick Leave) Act, 1965 for the days they do not get sickness benefit under the Employees State Insurance Act, provided the workers produced E. S. I. Dispensary certificate or certificate from some M.B.B.S. doctor for the days they do not get sickness benefit under the Employees State Insurance Act. The details have been given in respect of medical certificate.

Dispute No. 2.

Bonus for the year 1970-71 have been paid to the workmen and the workmen have admitted it to be correct payment. There is no dispute relating to this demand.

Dispute No. 3.

The management have paid full wages for the whole of the month of March, 1971 including for 5th March, 1971, hence this dispute has also settled as the workers have received their wages for 5th March, 1971.

NATHU RAM SHARMA,

Dated the 2nd December, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

— — —
No. 1183, dated 2nd December, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Dispute Act, 1947.

NATHU RAM SHARMA,

Dated the 2nd December, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 6th January, 1978

No. 19185-4Lab-77/602.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Endee Woollen and Silk Mills Private Ltd., Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM, SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 227 of 1976

between

**SHRI ALAMGIR, WORKMAN AND THE MANAGEMENT OF M/S ENDEE WOOLLEN
AND SILK MILLS, PRIVATE LIMITED, MATHUARA ROAD, FARIDABAD**

Present.—

Nemo, for the workman.

Shri H. L. Kapoor, for the management.

AWARD

By order No. ID/42507, dated 16th November, 1976, the Governor of Haryana, referred the following dispute between the management of M/s Endee Woollen and Silk Mills, Private Limited, Mathura Road, Faridabad and its workman Shri Alamgir, to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Alamgir was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 5th July, 1977 :—

- (1) Whether the workman concerned abandoned his services of his own ?
- (2) Whether the termination of services of Shri Alamgir was justified and in order ? If not, to what relief is he entitled ?

The parties thereafter wanted time for settlement and the dispute was settled. The workman has been paid wages, bonus and gratuity. The management produce the vouchers, witnessing the payment of the amount against wages, bonus and gratuity. The vouchers were seen and returned. The workman has settled the dispute with the management. I, therefore, give my award as follows :—

That the dispute stands settled between the parties and in view of the settlement the termination of services of Shri Alamgir was justified and in order. He is not entitled to any relief.

Dated 7th December, 1977.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1193, dated the 8th December, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 8th December, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 7th January, 1978

No. 19095-4Lab-77/606.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workman and the management of M/s Haryana Pipe Industrial Plot No. 25-26, D.L.F. Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL,
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 151 of 1977

between

SHRI DIL BAHADUR, WORKMAN AND THE MANAGEMENT OF M/S HARYANA
PIPE INDUSTRIAL PLOT NO. 25-26, D.L.F., MATHURA ROAD, FARIDABAD

Present.—

Shri Dil Bahadur, concerned workman with Shri Pasham Singh his representative.

Shri Sunil Diddi, for the management.

AWARD

By order No. ID/PD/328-77/40259, dated 20th September, 1977, the Governor of Haryana, referred the following disputes between the management of M/s Haryana Pipe Industrial Plot No. 25-26, D.L.F., Mathura Road, Faridabad and its workman Shri Dil Bahadur to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Dil Bahadur was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were given to the parties. The parties appeared and the dispute was compromised by them. The factory of the management is lying closed. The management stated that whenever their factory shall start re-functioning they shall employ the workman and shall pay him the wages that they shall pay to other workmen of the same category. In addition to

this, the management is agreed to pay a sum of Rs 500 up to 7th January, 1978 to the workman. The workman agreed to this and the compromise was fair and reasonable under the circumstances. I, therefore, give my award as follows :—

- (1) That when the factory of the management starts functioning, the workman shall be entitled to get employment there from the management in their factory at the rate of wages which shall be paid by the management to other workmen of the same category.
- (2) That the workman is entitled to receive a sum of Rs 500 from the management by 7th January, 1978.

Dated the 30th November, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1177, dated the 2nd December, 1977.

Forwarded, (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 2nd December, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 16th January, 1978

No. 375-4Lab-78/842.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Vim Engineering Co. (P) Ltd., Mehrauli Road, Gurgaon.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL,
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 165 of 1977

between

SHRI DHYAN SINGH VOHRA, WORKMAN AND THE MANAGEMENT OF M/S VIMAN
ENGINEERING CO. (P) LTD. NO. 7, INDUSTRIAL ESTATE, MEHRAULI ROAD,
GURGAON

Present.—

Shri Sharda Nand, for the workman.

Shri M. P. Gupta, for the management.

AWARD

By order No. ID/GG/335-77/45129, dated 14th October, 1977, the Governor of Haryana, referred the following dispute between the management of M/s Vim Engineering Co. (P) Ltd., No. 7, Industrial Estate, Mehrauli Road, Gurgaon and its workman Shri Dhyan Singh Vohra, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 :—

Whether the termination of services of Shri Dhyan Singh Vohra was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and stated that they have settled the dispute. The representative for the workman gave a statement that the workman has left for good after receiving all his dues and claim in full and final settlement and that he did not want to proceed with the dispute, I, therefore, give my award as follows :—

That the termination of services of Shri Dhyan Singh Vohra, workman concerned, was justified and in order. He is not entitled to any relief.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 30th December, 1977.

No. 5, dated the 2nd January, 1978.

Forwarded, (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated the 2nd January, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 370-4Lab-78/846. -In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Frick India Limited, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 78 of 1976

between

SHRI RAJ BAHADUR SINGH WORKMEN AND THE MANAGEMENT OF M/S. FRICK INDIA LIMITED, FARIDABAD

Present:

Shri Amar Singh, for the workmen.

Shri S. L. Gupta, for the management.

AWARD

In the above said reference an *ex parte* award was given by me on 29 June, 1977 which was sent to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, for publication in Haryana Government Gazette,—*vide* my No. 578 of 1st July, 1977.

The workman applied for setting aside the *ex parte* award and giving him opportunity to defend his case as he was seriously ill. His application was registered at No. 15 of 1977.

Notice of this application was sent to the management. The management appeared. The parties then reached a compromise. The management agreed to pay Rs. 200/- only to the workman in addition to his legal dues provided the workman gave up his dispute and that he had no objection to set aside the *ex parte* award. The representative for the workman agreed to this. Their statements were recorded and the case was fixed for payment of the legal dues of the workman. On 8th December, 1977 the management paid to the workman a sum of Rs. 391/- only including the agreed sum of Rs. 200/- only and the legal dues of the workman concerned. The workman received the amount himself. The workman agreed that he has given up his dispute and gave up his claim to reinstatement or re-employment. I, therefore, confirm my *ex parte* award with the addition that the workman concerned has received a sum of Rs. 391/- only in full and final settlement of all his dues and claims. The services have been terminated justifiably and he is not entitled to any other relief.

NATHU RAM SHARMA,

Dated, the 29th December, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 8, dated the 2nd January, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated, the 2nd January, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.